

Attorney Docket No.: UT-0033
Inventors: Mujtaba et al.
Serial No.: 10/009,455
Filing Date: April 19, 2002
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REMARKS

Claims 1-8 are pending in the instant application.
Claims 1-8 have been subjected to a Restriction Requirement
as follows:

Group I, claims 1-3, drawn to isolating greater than
95% pure population of neuron restricted precursor cells;

Group II, claims 4-6, drawn to a isolating greater than
95% pure population of mouse glial-restricted precursor
cells; and

Group III, claims 7-8, drawn to isolating
neuroepithelial cells.

The Examiner suggests that Groups I-III do not relate
to a single general inventive concept under PCT Rule 13.1,
because under Rule 13.2, they lack the same or corresponding
special technical features. Specifically, the Examiner
suggests that they require different cell types and possess
distinct technical features.

Applicants respectfully traverse this Restriction
Requirement.

At the outset, it is respectfully pointed out that the
Examiner's suggestion that "the inventions listed as Groups
I-III do not relate to a single general inventive concept
under PCT Rule 13.1 because, under PCT Rule 13.2, they lack

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the same or corresponding special technical feature"
directly contradicts both the International Search Report
and the International Preliminary Examination Report issued
in the PCT application of which this case is the U.S.
National Stage wherein all claims were searched and examined
for patentability.

Further, MPEP §803 provides two criteria which must be
met for a restriction requirement to be proper. The first
is that the inventions be independent or distinct. The
second is that there would be a serious burden on the
Examiner if the restriction is not required. A search of
the prior art relating to pending claims 1-8 has already
been performed in the corresponding PCT application. Thus,
there is clearly no burden placed upon the Examiner by
including all claims in this case, since the full claim set
was already searched and examined in the PCT application.

Further, the Examiner has provided no evidence in this
Restriction Requirements to support the contention that the
Groups have acquired separate status in the art.

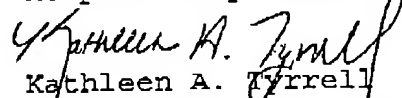
Accordingly, since this Restriction Requirement does
not meet both criteria as set forth in MPEP § 803 to be
proper, it is respectfully requested that this Restriction
Requirement be withdrawn.

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In an earnest effort to be completely responsive,
however, Applicants elect Group II, claims 4-6, with
traverse.

Applicants believe that the foregoing comprises a full
and complete response to the Office Action of record.

Respectfully submitted,


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